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REMARKS

Claims 16-18 are pending. Claims 16-17 are rejected under 35 U.S.C. §101; Claims 17 and 18 are rejected under 35 U.S.C. §112, second paragraph; and Claims 16-18 are rejected under 35 U.S.C. §112, first paragraph. For reasons detailed below, the rejections should be withdrawn and the claims allowed to issue. Entry of the foregoing amendments is respectfully requested.

1. The Rejections under 35 U.S.C. §101

Claims 16 and 17 are rejected under 35 U.S.C. §101. The Examiner alleges that the claimed invention is directed to non-statutory subject matter because the claims do not specify that the microorganism is biologically pure, thus, they encompass products as they are found in nature.

Applicants have amended the claims to encompass an "isolated biologically pure culture of a " microorganism. In view of the amendments to the claims, the rejections under 35 U.S.C. §101 should be withdrawn.

2. The Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 17 and 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 17 is dependent on a canceled claim. Further, the Examiner alleges that Claim 17 recites that the microbe must be selected from the

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genera that includes "*Agrobacterium/Rhizobium*" or "*Alcalignes/Bordetella*", however such genera are not known.

Applicants have amended Claim 17 to correct the dependency of the claim. With regard to the genera *Agrobacterium/Rhizobium* or *Alcalignes/Bordetella*, Applicants have amended claim 17 to delete reference to such genera.

3. The Rejections Under 35 U.S.C. §112, First Paragraph

Claims 16-18 are rejected under 35 U.S.C. §112, first paragraph. The Examiner alleges that the claims encompass subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner maintains that since deposits of DSM 11291, 10687, 10686, 10329, 10328, and 11172 have been made under the Budapest Treaty and because the microorganisms are essential to the claimed invention, they must be obtainable by a repeatable method set forth in the specification or otherwise be readily available to the public.

Applicants assert that a deposit of the above identified microorganisms, deposited as DSM 11291, 10687, 10686, 10329, 10328 and 11172 have been made under the Budapest Treaty and that all restrictions imposed by the depositor pertaining to the availability to the public of the deposited material will be irrevocably removed upon issuance of the patents .

In addition with regard to claim 18, Applicants have amended the claim to delete reference to the *Agrobacterium/Rhizobium* HSZ 30, *Bacillus simplex* K2 and *Pseudomonas putida* K32 microorganisms.

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CONCLUSION

Entry of the foregoing amendments and remarks into the file of the above identified application is respectfully requested. The Applicants believe that the invention described and defined by the amended claims is patentable over the rejections of the Examiner. Withdrawal of all rejections and reconsideration of the amended claims is requested. An early allowance is earnestly sought.

Respectfully submitted,

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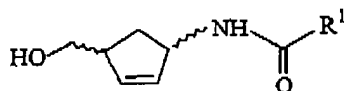
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APPENDIX A

IN THE CLAIMS:

Please amend the claims as follows:

16. (Amended) An isolated biologically pure culture of a microorganism that it is able to utilize cyclopentene derivatives selected from the group of derivatives of the general formula:



in which R¹ denotes C₁-C₄ -alkyl, - C₁-C₄ alkoxy, aryl or aryloxy, as sole nitrogen source, as sole carbon source, as sole carbon source or as sole carbon and nitrogen source, and enzyme extracts therefrom.

17. (Amended) The microorganism and extract according to Claim [1] 16, in which the microorganism is selected from the genera *Rhodococcus*, *Gordona*, *Arthrobacter*, *Alcaligenes*, [*Agrobacterium/Rhizobium*,] *Bacillus*, or *Pseudomonas* or [*Alcaligenes/Bordetella*].

18. (Amended) The microorganism and extract according to Claim 16 or 17, in which the microorganisms are selected from the species *Alcaligenes/Bordetella* FB 188 (DSM 11172), *Rhodococcus erythropolis* CB 101 (DSM 10686), *Arthrobacter* sp. HSZ 5 (DSM 10328), *Rhodococcus* sp. FB 387 (DSM 11291), *Alcaligenes xylosoxydans* ssp. *denitrificans* HSZ 17

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(DSM 10329), [*Agrobacterium/Rhizobium* HSZ 30, *Bacillus simplex* K2, *Pseudomonas putida* K32] or *Gordona* sp. CB 100 (DSM 10687), and functionally equivalent variants and mutants thereof.